

REMARKS

Claim Amendments

With this response, new claims 18-30 are added.

Restriction requirement

In the Office Action of March 22, 2006 the Examiner asserts, in a restriction requirement, that the present application contains claims directed to two distinct groups each having distinct species groups: Group I (claims 1-13) having Species i-iv and Group II (claims 14-17) having Species a and b.

Applicants request that the Examiner reconsider the requirement for restriction as discussed below.

1. Applicants note that 35 USC § 121 authorizes, but **does not require**, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expense that would be imposed upon the Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary.
2. The Examiner is respectfully reminded of MPEP 803, which states that

"If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

In the case at issue, there is no serious burden in examining 30 claims, all pertaining to the same technological class 435.

3. Applicants further traverse the Examiner's species restriction requirement. The Applicants submit that the species provided in the claimed invention do not pose a serious search and examination burden. However, the species restriction does place a serious financial burden on the Applicants.

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Therefore, the Applicants submit that the restriction requirement set forth in the Office Action of March 22, 2006 is improper. As such, reconsideration is respectfully requested and the Examiner is respectfully requested to withdraw the restriction requirement. However, as required under 35 USC § 121, Applicants provisionally elect Group II claims 14-17 together with new claims 18-30. As to claim 15 and claim 16, Applicants provisionally elect species directed to α-amylase and gluconic acid.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being mailed with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 24, 2006

(Date of Deposit)

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(Name of Person Depositing)

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Respectfully submitted,



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